

REMARKS/ARGUMENTS

Claims 1-5 and 7-49 are pending in the application following entry of the above amendments. Claim 8 is considered allowable but was objected to for dependence on rejected claims. Claim 8 has been rewritten in independent form.

Claims 45-48 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Pat. No. 4,525,893 (Fukada). Claim 45, as amended, recites a drapery pull system comprising a master car and auxiliary cars having roller members received within a car compartment of a track. Each of the auxiliary cars includes a body comprising a pair of spaced legs extending through a slot in the car compartment. Each of the legs of the auxiliary car body has a width and a thickness respectively extending longitudinally and transversely with respect to the elongated slot. The width of each of the legs of the auxiliary car body is larger than the thickness.

Fukada discloses a curtain runner used with a curtain rail (30). The curtain runner includes a box-like body (2) having top, side, and bottom walls (16, 17, 18). Wheels (2) are rotatably mounted in the top wall (16). A sleeve (4) is mounted in a vertical bore (4) in bottom wall (18) and receives a knobbed rod (10) having a curtain ring (12) at a lower end.

The cross section of the side walls (17) of the curtain runner of Fukada is shown in Figure 4. The cross section of each side wall (17) is rectangular defining a width and thickness, the width being greater than the thickness. As shown in Figure 8 of Fukada, however, the side walls (17) extend through an elongated slot in the curtain rail (30) such that the thickness and width of each leg extend longitudinally and transversely, respectively, with respect to the elongated slot. The Fukada construction, therefore, is opposite from the claimed structure.

For this reason, Fukada does not show each feature of claim 45 and, therefore, does not anticipate claim 45. Furthermore, the applicants continue to traverse the position taken by the examiner that the manually driven system of Fukada (*i.e.*, a user pulling a curtain) shows a drapery pull system having a master car connected to a drive system. For this additional reason, Fukada does not anticipate claim 45.

Claims 46-48 depend from claim 45. Therefore, for at least the foregoing reasons, Fukada also does not anticipate these claims.

Claim 48 recites that a drapery attachment portion of the auxiliary car body includes a notch for receiving a drapery support eye. The bottom wall (18) of the Fukada curtain runner includes bore (3) in which a sleeve (4) is received. Fukada, however, does not show a notch in the bottom wall for receiving a drapery support eye. For this reason, therefore, in addition to the above reasons regarding claim 45, Fukada does not anticipate claim 48.

For the foregoing reasons, the applicants respectfully request that the rejection of claims 45-48 be withdrawn.

Claims 1-5, 7, 10, 11, 15-21, 34-39 and 49 are rejected under 35 U.S.C. §103 as obvious based on U.S. Pat. No. 3,753,457 (Bratschi), Fukada and U.S. Pat. Pub. No. 2002/0162189 (Whitley).

Claim 1, as amended, recites a drapery pull system comprising a master car and auxiliary cars rotatably supporting roller members and driven within a track by a drive system. The drive system of claim 1 includes a motor, a drive shaft driven by the motor, a drive pulley engaging the drive shaft and having notches about an outer surface, and a drive belt having a toothed surface engaging the notches of the drive pulley. The master car of claim 1 includes a pair of carriage bodies carried by a bracket and defining a plurality of projections adapted for interfit with the toothed surface of the drive belt.

Bratschi discloses a curtain pull system including a rail (3) and an elastic band (6; col. 3, lines 46-48) driven within the rail about pulleys (8,9) by a drive unit (Fig. 2). Sliding elements (30) are located in slide channels (29) of rail (3) and include pins (31) received by holes (7) in the elastic band (6).

Whitley discloses a garage door (20) having hingedly-connected panels (22) guided at opposite sides in tracks (28, 30) by rollers (32). The rollers (32) are rotatably mounted on brackets (56) secured to the door panels (22). The rollers (32) include a urethane center hub (33) and an outer tire (43) of rubber or thermoplastic elastomer.

The cited references do not teach a drive system for a drapery pull system having a toothed belt interfitting with a plurality of projections on a master car. Bratschi does not suggest that the elastic band (6) include teeth interfitting with projections formed on the sliding

elements (30). The necessary drive system teaching, lacking in Bratschi, is not provided by Fukada or Whitley. Claim 1, therefore, is not obvious from Bratschi, Fukada and Whitley.

Each of claims 2-5, 7, 10 and 11 depends from claim 1 and is, therefore, not obvious from Bratschi, Fukada and Whitley for the same reasons as claim 1.

Claim 15 recites a motorized drapery pull system comprising a master car and auxiliary cars rotatably supporting roller members and driven within a track housing by a drive belt. Each of the roller members and the drive belt of claim 15 comprises resilient material for reduced noise. The drive belt of claim 15, as amended, has a hardness less than approximately 94 on the Shore A hardness scale.

Applicants note that, in an office action dated December 4, 2003 for related U.S. Pat. No. 10/165,148, which is a continuation-in-part application examined by the same examiner for the present application, the examiner stated that claims reciting a drive belt for a drapery pull system having a hardness less than approximately 94 on the Shore A hardness scale were no longer rejected based on the prior art and would be allowed.

Claim 15, which has been amended to recite that the drive belt has a hardness less than approximately 94 on the Shore A hardness scale, is, therefore, not obvious from Bratschi, Fukada and Whitley.

Each of claims 16 and 17 depends from claim 15 and, therefore, is not obvious from Bratschi, Fukada and Whitley, for the same reasons as claim 15.

Claim 18 recites a drapery pull system comprising a track, drive and idler pulleys, a drive belt, and at least one drapery support car having roller members connected to the drive belt. The drapery pull system of claim 18 defines surface pairs between: (1) the track and the belt; (2) the drive pulley and the belt; (3) the idler pulley and the belt; and (4) the track and the roller members. The drive belt surface of claim 18, as amended, has a hardness less than 94 durometer Shore A to reduce noise.

Claim 18 is not obvious from Bratschi, Fukada and Whitley for the same reasons as claim 15, discussed above.

Each of claims 19-21 depends from claim 18 and is, therefore, not obvious from Bratschi, Fukada and Whitley for the same reasons as claim 18.

Claim 34 recites a drapery pull system comprising a track, drive and idler pulleys, a drive belt, and at least one drapery support car having roller members connected to the drive belt. The drive belt of claim 34, as amended, includes a pulley contact surface and a track contactable surface having a Shore A durometer hardness that is less than 94.

Claim 34 is not obvious from Bratschi, Fukada and Whitley for the same reasons as claim 15, discussed above. Each of claims 35-39 depends from claim 34 and is, therefore, not obvious from Bratschi, Fukada and Whitley for the same reasons as claim 34.

Claim 49 recites a track, a drive belt having a pulley contact surface and at least one track contactable surface, a drive pulley, a drive motor, and a drapery support assembly including at least one car. The pulley contact surface and the track contactable surface of the drive belt of claim 49, as amended, has a Shore A durometer hardness that is less than 94.

For the same reasons as claim 15, above, claim 49 should be allowed.

In addition to the above reasons, the applicants continue to traverse the examiner's selection of other features of claims 1-5, 7, 10, 11, 15-21, 34-39, and 49 from the sliding-element system of Bratschi, the non-driven curtain runner of Fukada and the garage door of Whitley. It is impermissible to simply engage in a hindsight reconstruction of the claimed invention by selecting elements from prior art references using the disclosure of the applicants as a template. *In re Gorman*, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991).

For the foregoing reasons, applicants request that the rejection of claims 1-5, 7, 10, 11, 15-21, 34-39 and 49 based on Bratschi, Fukada and Whitley be withdrawn.

Claim 9 is rejected under 35 U.S.C. §103 as obvious based on Bratschi, Fukada, Whitley and U.S. Pat. No. 3,129,751 (Weber). Claim 9 depends from claim 1 and, therefore, recites a drapery pull system comprising a master car having a pair a carriage bodies carried by a bracket and defining a plurality of projections adapted for interfit with a toothed surface of a drive belt.

Weber discloses a track having an elongated channel (1) in which slide members are moved by pull cords (col. 2, lines 46-62). The track includes side wall portions (5, 6) having flanges (3, 4) for mounting the track to a support surface. A fastener means (9) includes wing portions (12) adapted to engage flanges (3, 4) to a support surface (2).

The cited references do not teach a drive system for a drapery pull system having a toothed belt interfitting with a plurality of projections on a master car. For the same reasons discussed above for claim 1, the purported combination of Bratschi, Fukada and Whitley does not provide the necessary drive system teaching. The drive system teaching, lacking in Bratschi, Fukada and Whitley, is not provided by Weber.

Claim 9, therefore, is not obvious from Bratschi, Fukada, Whitley and Weber.

In addition, the applicants continue to traverse the examiner's selection of other features of claim 9 from the sliding-element system of Bratschi, the non-driven curtain runner of Fukada, the garage door of Whitley, and the non-driven, sliding-element, system of Weber. As discussed above, it is impermissible to engage in a hindsight reconstruction selecting elements from prior art references using the disclosure of the applicants as a template.

For the foregoing reasons, the applicants request that the rejection of claim 9 based on Bratschi, Fukada, Whitley and Weber be withdrawn.

Claims 40-44 are rejected under 35 U.S.C. §103 as obvious based on Bratschi, Fukada, Whitley and U.S. Pat. No. 4,299,008 (Burns). Each of claims 40-44 depends from claim 34 and, therefore, recites a drapery pull system comprising a track, drive and idler pulleys, a drive belt, and at least one drapery support car having roller members connected to the drive belt. The drive belt of claims 40-44 includes a pulley contact surface and a track contactable surface having a Shore A durometer hardness that is less than 94.

Burns discloses a curtain rail (10) including inwardly projecting ribs (11) having a bead portion (13) supporting a glide track (20). As shown in Figure 2, curtain runners (21) slide along the glide tracks (20), which are made from polyvinylchloride. (col. 2, line 22).

For the same reasons as claim 34, above, the teaching of a drapery pull drive belt having a hardness less than 94 on the Shore A scale is not provided by Bratschi, Fukada, and Whitley. The teaching, lacking in Bratschi, Fukada and Whitley, is not provided by Burns.

For the foregoing reasons, claims 40-44 are not obvious from Bratschi, Fukada, Whitley, and Burns. The applicants request that the rejection of claims 40-44 be withdrawn.

Claims 12 and 14 are rejected under 35 U.S.C. §103 based on Bratschi, Fukada and Japanese Pat. No. 3-280907. Claim 12 recites a drapery support assembly comprising a

track, a reversible motor, a drive shaft, a drive pulley, a drive belt including teeth engaging notches on the drive pulley, and a master car and auxiliary cars supporting roller members. The master car of claim 12, as amended, is adapted for interfitted engagement with the teeth of the drive belt.

JP '907 appears to show a drive belt having teeth.

As discussed above for claim 1, Bratschi does not suggest that the elastic band (6) include teeth or that the sliding elements (30) be modified for interfitted engagement with a toothed band. The necessary teaching of claim 12, lacking in Bratschi, is not provided by Fukada or JP '907.

Claim 12, therefore, is not obvious from Bratschi, Fukada and JP '907. Claim 14 depends from claim 12 and is, therefore, not obvious from Bratschi, Fukada and JP '907 for the same reasons as claim 12.

For the foregoing reasons, the applicants request that the rejection of claims 12 and 14 based on Bratschi, Fukada and JP '907 be withdrawn.

Claim 13 is rejected under 35 U.S.C. §103 based on Bratschi, Fukada, JP '907 and Whitley. Claim 13 depends from claim 12 and, therefore, recites a drapery support assembly comprising a track, a reversible motor, a drive shaft, a drive pulley, a drive belt including teeth engaging notches on the drive pulley, and a master car and auxiliary cars supporting roller members. The master car of claim 13 is adapted for interfitted engagement with the teeth of the drive belt.

For the same reasons as claim 12 above, the necessary teaching of a master car for a drapery support assembly adapted for interfitted engagement with a toothed drive belt is not provided by Bratschi, Fukada and JP '907. The necessary teaching, lacking in Bratschi, Fukada and JP '907 is not provided by Whitley. Claim 13, therefore, is not obvious from Bratschi, Fukada, JP '907 and Whitley.

For the foregoing reasons, the applicants request that the rejection of claim 13 based on Bratschi, Fukada, JP '907 and Whitley be withdrawn.

Claims 25-29 are rejected under 35 U.S.C. §103 based on Fukada and Whitley. Claim 25 recites a car for a drapery pull system including a car body and at least one roller

member rotatably connected to the car body. The roller member has a track-contacting surface comprising a material having a hardness of durometer value between 70 and 94 on Shore A scale.

Claim 25 also recites a motorized drive unit for driving the car body.

Fukada does not disclose or suggest that the curtain runner is driven by a motorized system. Fukada also does not disclose or suggest that the roller members are made from a material having a particular hardness. The applicants continue to traverse the purported combination of Fukada and Whitley as impermissibly using applicants' disclosure in hindsight. There is no suggestion in the cited references to combine the non-motorized curtain runner of Fukada with the garage door of Whitley in the claimed manner. Such suggestion is only provided by using the invention of the applicants as a template.

Claim 25, therefore, is not obvious from Fukada and Whitley.

Claim 26 recites a car for a drapery pull system including a car body, a drapery attachment means, and a connecting portion extending through an elongated slot in a track. The connecting portion of the car of claim 26, as amended, includes at least one leg having a width and a thickness respectively extending longitudinally and transversely with respect to the elongated slot, the width of the leg being larger than the thickness.

For the same reasons given above for claim 45, Fukada does not disclose or suggest that the side walls (17) of the curtain runner have a longitudinal dimension with respect to the elongated slot that is greater than the transverse dimension. Instead, as shown in Figures 4 and 8, Fukada teaches away by teaching the opposite. The necessary teaching, lacking in Fukada, is not provided by Whitley.

Claim 26, therefore, is not obvious from Fukada and Whitley. Each of claims 27-29 depends from claim 26 and is, therefore, not obvious from Fukada and Whitley for the same reasons as claim 26.

For the foregoing reasons, the applicants request that the rejection of claims 25-29 based on Fukada and Whitley be withdrawn.

Claims 22-24, 30 and 32 are rejected under 35 U.S.C. §103 based on Bratschi and Fukada. Claim 22 recites a motorized drapery pull system include a track, a motor, drive and idler pulleys, a drive belt received about the pulleys, and at least one car having roller members

connected to the drive belt. The drive belt of claim 22, as amended, has a hardness less than approximately 94 on the Shore A scale. The drapery system of claim 22 produces an average sound level of less than 47 dbA at about 4 feet in any direction from the motor.

As discussed above for claim 15, the examiner for the present application has stated in the December 4, 2003 office action for related application Serial No. 10/165,148 that claims reciting a drive belt for a drapery pull system having a hardness less than approximately 94 on the Shore A hardness scale were no longer rejected based on prior art and would be allowed. Therefore, claim 22, as amended, should be allowed.

Each of claims 23 and 24 depends from claim 22 and, therefore, should be allowed for the same reasons as claim 22.

Claim 30 recites a drapery pull system comprising a track, a master car body, a motor, a drive belt and at least one roller member connected to the car body. The drive belt of claim 30 has a hardness of between 80-94 durometer Shore A.

For the same reasons as claim 22, claim 30 should be allowed.

Claim 32 depends from claim 30 and, therefore, should also be allowed for the same reasons as claim 30.

For the foregoing reasons, the applicants request that the rejection of claims 22-24, 30 and 32 based on Bratschi and Fukada be withdrawn.

Claim 31 is rejected under 35 U.S.C. §103 based on Bratschi, Fukada and JP '907. Claim 31 depends from claim 30 and, therefore, recites a track, a master car body, a motor, a drive belt and at least one roller member connected to the car body. The drive belt of claim 30 has a hardness of between 80-94 durometer Shore A. For the same reasons as claim 30, above, claim 31 should be allowed.

For the foregoing reasons, the applicants request that the rejection of claim 31 based on Bratschi, Fukada and JP '907 be withdrawn.

Claim 33 is rejected under 35 U.S.C. §103 based on Bratschi, Fukada and U.S. Pat. No. 3,365,966 (Heyer). Claim 33 depends from claim 30 and, therefore recites a track, a master car body, a motor, a drive belt and at least one roller member connected to the car body.

The drive belt of claim 30 has a hardness of between 80-94 durometer Shore A. For the same reasons as claim 30, above, claim 33 should be allowed.

For the foregoing reasons the applicants request that the rejection of claim 33 based on Bratschi, Fukada, and Heyer be withdrawn.

It is submitted that the application is now in condition for allowance. If the Examiner believes that direct communication would advance prosecution, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

JASON C. KILLO *eyal*

BY: 

GREGORY J. LAVORONA

Registration-No. 30,469

Drinker Biddle & Reath LLP

One Logan Square

18th and Cherry Sts.

Philadelphia, PA 19103-6996

Tel: 215-988-3309

Fax: 215-988-2757

Attorney for Applicants